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EXAMINER	
MURDOUGH, JOSHUA A	

ART UNIT	PAPER NUMBER
3621	

NOTIFICATION DATE	DELIVERY MODE
11/09/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/942,047	KHAN ET AL.	
	Examiner	Art Unit	
	JOSHUA MURDOUGH	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 July 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-6,8-16,19-33,35-42,44 and 45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 4-6, 8-16, 19-33, 35-42, 44, and 45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/23/09, 7/29/09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination ("RCE") under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 July 2009 has been entered.

Acknowledgements

2. This action is responsive to Applicants' above noted RCE and associated amendments received 29 July 2009.

3. This action has been assigned paper number 20091030 for reference purposes only.

4. Claims 1, 4-6, 8-16, 19-33, 35-42, 44, and 45 are pending.

5. Claims 1, 4-6, 8-16, 19-33, 35-42, 44, and 45 have been examined.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 41 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 41 recites "the transaction pattern includes: creation and actions associated with forms presented in a web-interface with which the single user submits information" which renders the claim indefinite.

a. First, one of ordinary skill in the art would recognize a transaction pattern as being a macro, script, or other program with necessary data stored therein to perform a task or tasks on a website. Therefore, actions themselves are not part of the transaction pattern. Instead, commands or instructions are stored within the transaction pattern. The commands or instructions cause the actions to be performed when the pattern is executed. Thus, one of ordinary skill in the art would not understand the metes and bounds of a transaction pattern including actions as claimed.

b. Second, the recitation "creation and actions associated with forms" is also problematic. In addition to the above noted issue, it is also unclear what Applicants are trying to set forth as part of their invention. One possible interpretation of this language includes "creation associated with forms." As understood by the Examiner, this would be data creation, because data is needed to complete forms. Another interpretation includes the creation of the forms. While still data creation, the data being created and the underlying process would be different.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1, 4-6, 8-16, 19-33, 35-42, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ukigawa (US 2001/0021925).

11. As to claims 1, 16, 31, and 33 Ukigawa shows:

c. A method for carrying out a computer-implemented transaction, comprising:

d. storing in memory ("user-information storing means," [0019]) a transaction pattern detailing a transaction associated with a single user ("information regarding settlement means held by the user," [0019]);

e. wherein the transaction pattern includes a record of:

f. information submitted by the single user ("sending ID (identification) information of a user," [0018]), user actions taken by the single user ("purchase," [0018]), system actions taken by a system in response to the information ("receiving," [0020]); "extraction," [0021]) and the user actions ("user of the user device can purchase the product on sale online in the merchant site," [0024]) in order to generate results ("settlement," [0023]), and the results that are sent to the single user ("confirmation to be sent from the merchant site," [0195]);

g. wherein the storage of the transaction pattern includes storage of records of a navigation of the single user during the transaction ("browsing a merchant site," [0062]);

h. wherein the transaction pattern further includes information submitted by the single user, in each form and in each step of a login and account access process (Figure 5);

i. wherein the transaction pattern further includes a record of the actions taken by the system which enable access of the single user to data [0196], and actions enabled by the data to retrieve content [0202].

12. Ukigawa does not expressly show:

j. executing the transaction pattern to carry out another transaction; and

k. recording of the information to the transaction pattern.

13. However, the recording and subsequent execution of the transaction pattern to repeat the process previously performed manually is merely the automation of a known process. MPEP § 2144.04 III states "broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art." Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Ukigawa to record and automate the steps performed because it would make subsequent purchases easier on the purchaser.

14. As to claims 4 and 19, Ukigawa further shows:

l. the storage of the transaction pattern includes the storage of records relating to an interface presented to the single user (merchant site, [0024]).

15. As to claims 5 and 20, Ukigawa further shows:

m. the storage of the transaction pattern includes the storage of records relating to the submission of information by the single user ("information regarding settlement means

held by the user," [0019]).

16. As to claims 6 and 21, Ukigawa further shows:

n. the storage of the transaction pattern includes the storage of parameters required to complete the transaction ("information regarding settlement means held by the user," [0019]).

17. As to claims 8, 23, and 35, Ukigawa further shows:

o. the storage of the transaction pattern includes the storage of information returned to the single user by the system ("confirmation to be sent from the merchant site," [0195]).

18. As to claims 9, 24, and 36, Ukigawa further shows:

p. the storage of the transaction pattern includes the storage of information selected by the single user ("number of article," Figure 3).

19. As to claims 10, 25, and 37, Ukigawa further shows:

q. the execution of the transaction pattern includes retrieval of the transaction pattern by at least one of an automated agent **2** and a programmable agent **125**.

20. As to claims 11 and 26, Ukigawa further shows:

r. the execution of the transaction pattern includes submission of required parameters during the other transaction ("number of article," Figure 3).

21. As to claims 12, 27, 38, Ukigawa further shows:

s. the execution of the transaction pattern involves automatic navigation during the other transaction ("browsing a merchant site," [0062]).

22. As to claims 13 and 28, Ukigawa further shows:

t. the execution of the transaction pattern includes retrieval of the content ("browsing a merchant site," [0062]).

23. As to claims 14, 29, and 39, Ukigawa further shows:

u. the execution of the transaction pattern includes relaying the content to the single user (Figure 3).

24. As to claims 15, 30, and 40, Ukigawa further shows:

v. the execution of the transaction pattern includes recognizing a state of a remote application ("waits for the purchase instruction to be received" [0192]).

25. As to claim 22, Ukigawa further shows:

w. the storage of the transaction pattern includes the storage of records relating to the navigation of the single user during the transaction ("browsing a merchant site," [0062]).

26. As to claim 32, Ukigawa further shows:

x. the remote application is an electronic commerce application (the whole disclosure is about e-commerce, for example Figures 1A, 1B, 6 and 7).

27. As to claim 41, Ukigawa shows:

y. A method for carrying out a computer-implemented electronic commerce (e-commerce) transaction, comprising:

z. storing in memory ("user-information storing means," [0019]) a transaction pattern detailing a transaction associated with a single user ("information regarding settlement means held by the user," [0019]),

aa. wherein the transaction pattern includes:

bb. creation and actions ("purchase," [0018]) associated with forms ("registration form," [0177]) presented in a web-interface ("browsing a merchant site," [0062]) with which the single user submits information("sending ID (identification) information of a user," [0018]);

cc. information submitted by the single user, in forms presented in an e- commerce flow (Figures 1A, 1B, 6, and 7);

dd. an internal process whereby the submitted information is sent to servers (2, 3, and 4) and databases (26 and 27) of an e-commerce site (Figure 4);

ee. navigation of the single user within the e-commerce process ("browsing a merchant site," [0062]);

ff. system actions taken by a system in response to the information ("receiving," [0020]); "extraction," [0021]) and the creation and actions in order to generate results ("settlement," [0023]); and

gg. the results returned by the e-commerce site once the submitted information has been processed ("confirmation to be sent from the merchant site," [0195]); and

hh. wherein the transaction pattern further includes information submitted by the single user, in each form and in each step of a login and account access process (Figure 5);

ii. wherein the transaction pattern further includes a record of actions taken by the system which enable access of the single user to data [0196] and actions enabled by the data to retrieve content [0202].

28. Ukigawa does not expressly show:

jj. executing the transaction pattern to carry out another transaction;

29. However, the execution of the transaction pattern to repeat the process previously performed manually is merely the automation of a known process. MPEP § 2144.04 III states "broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art." Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Ukigawa to automate the steps performed because it would make subsequent purchases easier on the purchaser.

30. As to claim 42, Ukigawa shows:

kk. A method for carrying out a computer-implemented transaction, comprising: recording information submitted by a single user as part of a transaction associated with the single user ("information regarding settlement means held by the user," [0019]);

ll. user actions taken by the single user as part of the transaction ("purchase," [0018]);

mm. system actions taken by a system in response to the information ("receiving," [0020]); "extraction," [0021]) and the user actions ("user of the user device can purchase the product on sale online in the merchant site," [0024]) in order to generate results as part of the transaction ("settlement," [0023]);

nn. the results that are sent to the single user as part of the transaction ("confirmation to be sent from the merchant site," [0195]);

oo. actions taken by the system which enable the single user to access data [0196];

pp. actions enabled by the data to retrieve content [0202];

qq. storing the transaction pattern in memory ("user-information storing means," [0019]), including:

rr. storing records relating to an interface presented to the single user (merchant site, [0024]);

ss. storing records relating to the submission of information by the single user ("information regarding settlement means held by the user," [0019]);

tt. storing parameters required to complete the transaction (Id.);

uu. storing records of a navigation of the single user during the transaction ("browsing a merchant site," [0062]);

vv. storing records relating to the navigation of the single user during the transaction (Id.);

ww. storing information returned to the single user by the system ("confirmation to be sent from the merchant site," [0195]);

xx. storing information selected by the single user ("number of article," Figure 3);

yy. retrieving the transaction pattern using at least one of an automated agent **2** and a programmable agent **125**;

zz. recognizing a state of a remote application ("waits for the purchase instruction to be received" [0192]);

aaa. submitting required parameters during the other transaction ("number of article," Figure 3);

bbb. performing automatic navigation during the other transaction ("browsing a merchant site," [0062]);

ccc. retrieving the content (Id.); and

ddd. relaying the content to the single user (Figure 3);

eee. wherein the transaction pattern further includes information submitted by the single user, in each form and in each step of a login and account access process (Figure 5);

fff. wherein the transaction pattern further includes the record of actions taken by the system which enable access of the single user to the data [0196], and the actions enabled

by the

data to retrieve the content [0202].

31. Ukigawa does not expressly show:

ggg. generating a transaction pattern based on the recorded information;

hhh. executing the transaction pattern to automatically carry out another transaction upon receiving the single user request for the transaction;

iii. recording of the information to the transaction pattern.

32. However, the recording and subsequent execution of the transaction pattern to repeat the process previously performed manually is merely the automation of a known process. MPEP § 2144.04 III states "broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art." Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Ukigawa to record and automate the steps performed because it would make subsequent purchases easier on the purchaser.

33. As to claim 44, Ukigawa further shows:

jjj. the transaction pattern further includes an internal process, whereby submitted information is sent to servers (2, 3, and 4) and databases (26 and 27) of a portfolio account site of the single user (Figure 4).

34. As to claim 45. , Ukigawa further shows:

kkk. the information submitted by the single user is submitted via an e-commerce form, the information including a name of the single user, credit card information associated with the single user, and a shipping address of the single user ("credit card number, the name and address of the user," [0216]).

Claim Interpretations

35. The Examiner hereby adopts the following interpretations under the broadest reasonable interpretation standard. In accordance with *In re Morris,* 127 F.3d 1048, 1056, 44 USPQ2d 1023, 1029 (Fed. Cir. 1997), the Examiner points to these other sources to support his interpretation of the claims.[1] Additionally, these interpretations are only a guide to claim terminology since claim terms must be interpreted in context of the surrounding claim language. Finally, the following list is not intended to be exhaustive in any way.

36. The Examiner finds the following information pertinent to the examination of the instant application:

I. "The Internet is composed of content distributed in the World Wide Web and various intranets. While a large fraction of the content is static, the truly interesting content is the one that a user can interact with dynamically. This content is of various types including, but not limited to (i) the content stored in various databases, (ii) e-commerce web-pages, (iii) directories, (iv) intranet pages, and/or (v) data warehouses, etc." (Specification, Page 1, Lines 13-17).

[1] While most definition(s) are cited because these terms are found in the claims, the Examiner may have provided additional definition(s) to help interpret words, phrases, or concepts found in the definitions themselves or in the prior art.

II. "The access to or interaction with this dynamic content is done in a variety of ways. For example, such interaction may be accomplished through direct access to the databases by running specific commands or through form submissions on the Internet that run specific queries or perform specific actions. This interaction requires the submission of necessary parameters or information to complete a query or interaction (addition, modification, subtraction) with the dynamic content. This information may need to be submitted in multiple steps. Once the submission of information is finished, the results of the interaction/query/e-commerce are sent back to the user" (Specification, Pages 1-2, Lines 26-5).

III. "Therefore, there is a need for a technique involving automated execution of transactions of various types, no matter the complexity thereof" (Specification, Page 2, Lines 12-13).

IV. "[B]roadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art" (MPEP § 2144.04 III).

V. ***Macro***: "In applications, a set of keystrokes and instructions recorded and saved under a short key code or macro name. When the key code is typed or the macro name is used, the program carries out the instructions of the macro. Users can create a macro to save time by replacing an often-used, sometimes lengthy, series of strokes with a shorter version." Computer Dictionary, 3rd Edition, Microsoft Press, Redmond, WA, 1997.

VI. "The Internet web site www.SpendCash.com discloses a method (InternetCash) for issuing and utilizing prepaid cards in both a traditional retail setting and in e-commerce (i.e., Internet purchases)" (Ronchi, US 2002/0077973, [0004]).

VII. "The pre-paid card information transferred from the vendor's activation device is compared to the information stored in the remote database for accuracy and validation" (Ronchi, [0003]).

VIII. ***Form***: "A structured document with spaces reserved for entering information and often containing special coding as well." Computer Dictionary, 3rd Edition, Microsoft Press, Redmond, WA, 1997.

IX. "'[F]unctional descriptive material' consists of data structures and computer programs which impart functionality when employed as a computer component" (MPEP § 2106.01).

X. ***Data Structure***: "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993). See also MPEP § 2106.01.

XI. "When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" (MPEP § 2106.01).

XII. ***Enable***: "1 a : to provide with the means or opportunity… b : to make possible, practical or easy" Webster's Ninth New Collegiate Dictionary, Merriam-Webster Inc., Springfield MA, 1986.

XIII. "USPTO personnel should determine whether the claimed nonfunctional descriptive material be given patentable weight" (MPEP § 2106.01).

XIV. "USPTO personnel need not give patentable weight to printed matter absent a new and unobvious functional relationship between the printed matter and the substrate" (MPEP § 2106.01).

XV. ***Executable program***: "A program that can be run. The term usually applies to a complied program translated into machine code in a format that can be loaded into memory and run by a computer's processor. In interpreter languages, and executable program can be source code in the proper format." Computer Dictionary, 3rd Edition, Microsoft Press, Redmond, WA, 1997.

XIV. ***Storage***: "In a computing, any device in or on which information can be kept. Microcomputers have two main types of storage: random access memory (RAM) and disk drives and other external storage media. Other types of storage include read-only memory (ROM) and buffers." Computer Dictionary, 3rd Edition, Microsoft Press, Redmond, WA, 1997.

37. Given the information above, the Examiner makes the following conclusions:

lll. The Internet is known to have dynamic content, including e-commerce web-pages, which in order to access or interact with, specific commands and submissions are needed. These interactions result in the additions, modifications, or subtractions to the previously stored data with the results returned to the user. (Points I. and II.)

mmm. While known, the access and interactions noted above are described as being a manual process. (Points I.-III.)

nnn. Applicants consider the instant invention to fulfill the need of providing an automated means for performing the known processes. (Point III.)

ooo. Unless an automatic means provides a different result than the manual process, it is obvious over the manual process. (Point IV.)

ppp. In the case of an e-commerce web-site, a different result would be problematic because this would indicate the correct amounts of money are *not* changing hands. (Points VI. and VII.)

qqq. Macros have been known since 1997 or earlier. (Point V.)

rrr. Macros are a means of automating often-used, and lengthy processes. (Point V.)

sss. Forms provide for a predefined arrangement of data. (Point VIII.)

ttt. Data structures support data manipulation which is not necessarily present in a form. (Points VIII. and X)

uuu. Forms may contain coding, but are not themselves a program. (Point VIII.)

vvv. As forms are not programs or data structures, they are not functional descriptive material. (Points VIII.-X.)

www. Storage of purely descriptive material, such as names, addresses, phone numbers, or other personal information in a memory does not impart any inherent new or unobvious functional relationship, and therefore the descriptive material itself need not be given patentable weight. (Points XIII. and XIV.)

xxx. Enabling an action does not require the action to be performed, but instead requires that the action be possible, practical, or easy. (Point XII.)

yyy. In order to be executed, a program file needs to be placed in memory. (Point XV.)

zzz. Placing information into any one of RAM, ROM, a hard disk, a buffer, or external storage media is considered storing, because they are all considered storage devices. (Point XIV.)

38. Any definition or other evidence repeated from a previous action is for convenience. The Examiner maintains the validity of all previously presented evidence unless expressly noted otherwise. However, the Examiner does not maintain that the provided definitions are the only interpretation of the terms. Instead, they are evidence of a valid interpretation.

Response to Arguments

39. Applicant's arguments with respect to claims 1, 4-6, 8-16, 19-33, 35-42, 44, and 45 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA MURDOUGH whose telephone number is (571)270-3270. The Examiner can normally be reached on Monday - Thursday, 7:00 a.m. - 5:00 p.m.

41. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

42. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joshua Murdough
Examiner, Art Unit 3621

/Calvin L Hewitt II/
Supervisory Patent Examiner, Art Unit 3685